

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 0:22-CV-61553-DIMITROULEAS/HUNT

CRUZ VALDIVIESO FIGUERA,

Plaintiff,

vs.

ALL VIP CARE INC. AND
LIZ VELAZQUEZ MCKINNON,

Defendants.

_____/

PLAINTIFF'S PROPOSAL FOR SETTLEMENT
TO DEFENDANT, ALL VIP CARE INC.
(COUNTS I, II, AND IV OF THE COUNTER-COMPLAINT)

Plaintiff, Cruz Valdivieso Figuera, through her undersigned counsel and pursuant to Fla. R. Civ. P. 1.442 and Fla. Stat. §769.79, makes the following Proposal for Settlement to Defendant, All VIP Care Inc., as follows:

1. This Proposal for Settlement is being made pursuant to Fla. Stat. §768.79 and Florida Rule of Civil Procedure 1.442.
2. The party making this Proposal for Settlement is Plaintiff, Cruz Valdivieso Figuera.
3. The party to whom this Proposal for Settlement is made is Defendant, All VIP Care Inc.
4. The total amount of the Proposal for Settlement is One Hundred Dollars (\$100.00).
5. Defendant, All VIP Care Inc.'s acceptance of this Proposal for Settlement resolves its counterclaims for Breach of Contract, Promissory Estoppel, and Tortious Interference with Contractual Relationship asserted in ECF No. 37 in the above-styled action against Plaintiff, Cruz Valdivieso Figuera.

6. The only conditions of this Proposal for Settlement are that Defendant, All VIP Care Inc., release Plaintiff, Cruz Valdivieso Figuera, of all liability in connection with its counterclaims for Breach of Contract, Promissory Estoppel, and Tortious Interference asserted in ECF No. 37 in the above-styled action against Plaintiff, Cruz Valdivieso Figuera and shall date and file the Joint Notice of Voluntary Dismissal With Prejudice of Counts I, II, and IV of the Counterclaims asserted in ECF No. 37 attached hereto as Exhibit "A" within three business days of receiving the payment contemplated by this Proposal for Settlement.

7. This proposal includes all claims for all alleged damages, including compensatory and punitive damages, and all attorney's fees and/or costs claimed by Defendant, All VIP Care Inc., in Counts I, II, and IV of its Counterclaim.

8. This Proposal for Settlement shall not be filed with the Court unless for enforcement.

9. To accept this Proposal for Settlement, Defendant, All VIP Care Inc., must file a written acceptance with the Court within 30 days from the date of service set forth below.

10. No oral communications shall constitute an acceptance, rejection, or counteroffer of this Proposal for Settlement.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by email on this 14th day of September 2023, on Randy M. Goldberg, Esq., Florida Healthcare Law Firm, 151 NW 1st Avenue, Delray Beach, FL 33444, RMGEsquire@gmail.com and Randy@floridahealthcarelawfirm.com, as *Counsel for Defendants*, 44 W. Flagler Street, Suite 2200, Miami, Florida 33131, but will not be filed with the Court unless upon acceptance.

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Tel: 305.230.4884
Counsel for Plaintiff

EXHIBIT

“A”

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JOINT STIPULATION FOR RULE 41
VOLUNTARY DISMISSAL OF COUNTS I, II, AND IV
OF THE COUNTER-COMPLAINT WITH PREJUDICE

Plaintiff and Defendants, through their respective undersigned counsel, stipulate to the voluntary dismissal of Counts I, II, and IV of the Counter-Complaint [ECF No. 37] **with prejudice** pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), with the rest of the case to remain pending.

Respectfully submitted on this ____ day of _____ 2023.

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